

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

DOCKET NO. 1:06CR250

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	PRELIMINARY ORDER
)	OF FORFEITURE
)	
(5) ARSENIO FLORES)	
(2) ERCULANO CASTRO-CAZAREZ)	
)	
Defendants.)	
)	
)	

As a result of the guilty pleas of both defendants to the violations stated in the Bill of Indictment, for which the United States sought forfeiture pursuant to 21 U.S.C. § 853, the defendants shall forfeit to the United States all property constituting or derived from any proceeds the defendants obtained, directly or indirectly, as a result of such violations; and/or all property used or intended to be used in any manner or part to commit or facilitate the commission of the violations.

IT IS, THEREFORE, ORDERED that a preliminary order of forfeiture be entered as to the following:

- 1. \$8181 in United States currency seized on November 9, 2004,**
- 2. a 2006 Suzuki GSXR-1000 motorcycle VIN JSTGT76AX621207174,**
- 3. \$204,081 in United States currency seized on September 15, 2006.**

The Attorney General is authorized to seize the property subject to forfeiture and to

commence proceedings that comply with any statutes governing third party rights. Fed. R. Crim. P. 32.2(b)(3).

Pursuant to 21 U.S.C. § 853(n)(1) and Standing Order of the Court 3:05MC302-C (September 8, 2005), the government shall publish once in *The Hendersonville Time News*, Hendersonville, Henderson County, North Carolina, a newspaper of general circulation, notice of this order and of its intent to dispose of the property in such manner as the United States may direct. The United States may also provide direct written notice to any person known to have alleged an interest in property that is the subject of this order of forfeiture.

Any person, other than the defendants, having or claiming a legal interest in any of the above-listed forfeited property may, within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of the petitioner's alleged interest in the property. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties; the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property; and any additional facts supporting the petitioner's claim and the relief sought. 21 U.S.C. §§ 853(n)(2) and (3).

Upon adjudication of third-party interests, if any, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32(c)(2) and it shall be made part of the sentence and included in the judgment.

The Court shall retain jurisdiction to enforce this Order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

Signed: February 14, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

